

REMARKS

Claims 1-44 were previously pending in this application; claims 45-69 having been previously canceled. By this amendment, Applicant is canceling claims 1-21 without prejudice or disclaimer. Claims 22, 26, 27, 30, 31, 32, 35 and 36 have been amended. As a result claims 22-44 are pending for examination with claim 22 being an independent claim. No new matter has been added.

Rejection under 35 U.S.C. §112

The Office Action rejected claims 7-8 under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant has cancelled claims 1-21, therefore, the rejection of claims 7-8 under 35 U.S.C. §112, second paragraph is now moot.

Rejections Under 35 U.S.C. §102

The Office Action rejected claims 1, 5, 12, 15, and 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,480,550 to Sublette. The Office Action also rejected claims 1-3, 5-7, and 9-21 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,309,597 to Ballinger. Although Applicant disagrees with these rejections, Applicant has cancelled claims 1-21 in order to expedite the issuance of a patent from this application. Therefore, the rejection of claims 1-3, 5-7, and 9-21 under 35 U.S.C. §102(b) is now moot.

Claim Objections

The Office Action objected to claims 1-44 because each instance of “nitrate containing compound” should be replaced by “nitrate-containing compound.” Despite Applicant’s belief that the claims satisfy the requirement of 35 U.S.C. §112, Applicant has amended claims 22, 26, 27, 30, 31, 32, 35 and 36 to overcome this objection.

Allowable Subject Matter

Applicant appreciates the indicated allowance of claims 22-44.

Interviews with Examiner Barry

On December 20, 2005, the undersigned contacted Examiner Barry by telephone to discuss the objection to claims 1-44 noted at page 2 of the Office Action. The undersigned appreciates the courtesies extended by Examiner Barry during that interview and the subsequent telephone interview of February 3, 2006.

During the December 20th interview, the undersigned asserted that the lack of a hyphen between the words “nitrate” and “containing” in the expression “nitrate containing compound” did not render the claims indefinite under 35 U.S.C. §112, second paragraph. Examiner Barry concurred and agreed to withdraw that objection to the claims. The undersigned also indicated that Applicant desired to expedite the issuance of a patent from this application, and therefore intended to cancel claims 1-21 and pursue those claims in a continuation application. Examiner Barry indicated that he would cancel claims 1-21 by Examiner’s Amendment, to which the undersigned agreed, and indicated he would prepare an Interview Summary and Examiner’s amendment in accordance with the substance of that Interview.

On February 3rd, 2006, the undersigned telephoned Examiner Barry to understand why Applicant had yet to receive an interview summary reflecting the substance of the prior December 20th telephone interview. The undersigned pointed out that despite the fact that the PAIR system indicated that an Examiner Interview Summary Record (PTOL-413) had been docketed on December 20, 2005, no such document had been received by Applicant. Examiner Barry indicated that he had prepared an Interview Summary along with an Examiner’s amendment and Notice of Allowance, but these apparently had yet to be mailed. Because the 3 month shortened statutory period for responding to the Office Action was due to expire on February 4, 2006, the undersigned indicated that he would respond to the outstanding Office Action in a manner to would put this application in condition for allowance. Despite the undersigned’s belief that claims 22-44 satisfy the requirements of 35 U.S.C. §112, second paragraph, claims 22, 26, 27, 30, 31, 32, 35 and 36 have been amended to add the hyphen between “nitrate” and “containing” to expedite the issuance of a patent from this application.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
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Docket No.: D0540-700410
Date: February 6, 2006